

Exhibit O

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4 GARY BRICE McBAY,
5 Plaintiff,

6 VERSUS CIVIL ACTION NO: 1:07cv1205LG-RHW
7

8 HARRISON COUNTY, MISSISSIPPI,
9 by and through its Board of
10 Supervisors; HARRISON COUNTY
11 SHERIFF, George Payne, in his
12 official capacity; CORRECTIONS
13 OFFICER MORGAN THOMPSON,
14 acting under color of state law,
15 Defendants.

16 30(b)(6) DEPOSITION OF HARRISON
17 COUNTY SHERIFF'S DEPARTMENT,
18 GEORGE H. PAYNE, JR., DESIGNEE

19 Taken at the offices of Dukes, Dukes,
20 Keating & Faneca, P.A., 2909 13th
21 Street, Sixth Floor, Gulfport,
22 Mississippi, on Thursday, October 1,
23 2009, beginning at 9:05 a.m.

24 APPEARANCES:

25 PATRICK R. BUCHANAN, ESQUIRE
 MARK V. WATTS, ESQUIRE
 Brown Buchanan, P.A.
 796 Vieux Marche' Mall, Suite 1
 Biloxi, Mississippi 39530
 ATTORNEYS FOR PLAINTIFF

1 Q. And what did he tell you was
2 specifically addressed in it?

3 A. I don't remember. Like I said,
4 Mr. Martin and I talked probably twice a month.

5 Q. All right. Back to my original
6 question, then: These pleas, how did you miss
7 what was going on in booking?

8 A. I probably depended too much on the FBI
9 and justice and finding out what was going on and
10 not reporting it.

11 Q. Do you believe that this is a -- this
12 problem in these plea exhibits is a problem you
13 should have known about?

14 A. Yeah. I don't know if it was possible
15 for me to know about it, but I wish I'd have known
16 about it.

17 Q. Why wouldn't it be possible for you to
18 know about it?

19 A. Well, I mean, if it was concealed -- and
20 it appears they concealed it, concealed it from
21 everybody, not only concealed it to me, but
22 concealed it from the FBI and the justice
23 department and the National Institute of
24 Corrections, which I had in that place probably a
25 half a dozen times.

1 Q. And who would have been the person that
2 did that investigation?

3 A. It would have either been Major Riley or
4 Steve Campbell with our professional standards
5 unit to see if there's any validity to it, to see
6 if the people were still working there, did we
7 have complaints, was it something we knew about or
8 didn't know about, things of that nature.

9 Q. Do you know whether or not Riley or
10 Campbell investigated this?

11 A. I'm sure they did.

12 Q. Do you know what the findings were?

13 A. I don't remember.

14 Q. Do you know whether or not they would
15 have generated a written report relative to their
16 investigation of these concerns?

17 A. If they were founded, yes.

18 Q. Well, that may -- that probably leads to
19 a better question I should have asked you. Are
20 you disputing the findings of the report, Exhibit
21 2?

22 A. I'm not disputing the fact that some
23 people probably told Steve Martin some of these
24 things.

25 Q. All right. Mr. Martin says, These four